

Ms Sam Fagan
The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Our Ref: CMS 17870
Enquiries: Angela Coletti, 6364 6786
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Dear Ms Fagan

DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986

SCHEME	Metropolitan Region Scheme Amendment 1378/57
LOCATION	Lot 71 Chateau Place and Lot 72 Millhouse Road, Aveley
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

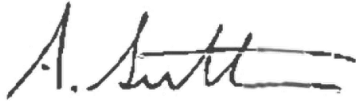
After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations. I have also attached a copy of the Chairman's determination of the scheme.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the Chairman's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Sutton', with a horizontal line extending from the end of the signature.

Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

24 August 2020

Encl. Chairman's Determination
Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Metropolitan Region Scheme Amendment 1378/57

Location: Lot 71 Chateau Place and Lot 72 Millhouse Road Aveley

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 24 August 2020

Summary

The Western Australian Planning Commission (WAPC) proposes to rezone Lot 71 Chateau Place and Lot 72 Millhouse Road Aveley from the Rural zone to the Urban zone in the Metropolitan Region Scheme (MRS). The amendment area is approximately 27.7 hectares.

The Environmental Protection Authority (EPA) has considered the amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA expects future proposals likely to lead to significant environmental impacts are referred to the EPA pursuant to Part IV of the EP Act. The EPA has based its decision on the documentation provided by the WAPC, and having considered this matter, the following advice is provided.

Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Social Surroundings

Advice and Recommendations regarding Environmental Factors

The EPA considers this amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. However there are a number of environmental issues which require resolution prior to the initiation and referral of future local planning amendments to the EPA. For this reason, a concurrent rezoning of both the region and local schemes should not be undertaken. The following advice is provided in this context:

Flora and Vegetation and Terrestrial Fauna

The amendment area contains threatened species of black cockatoo habitat. The provided tree hollow survey (Del Botanics, December 2018) recorded no evidence of roosting, however several trees containing hollows of various sizes were recorded, with evidence of foraging.

The EPA recommends that the survey be updated during black cockatoo breeding times prior to the initiation and referral of a future local scheme amendment to the EPA. The outcomes of the updated survey should be used to inform how the local scheme amendment will retain and

manage these values, in consultation with the Department of Biodiversity, Conservation and Attractions (DBCA). This may include retaining habitat in appropriate scheme reserves and/or scheme text requiring the retention of habitat through the future stages of planning.

Inland Waters

The EPA notes that the amendment area contains Resource Enhancement and Multiple Use classified wetlands. The EPA's Inland Waters Environmental Factor Guideline recognises Resource Enhancement wetlands as significant ecosystems. It is recommended that future structure planning be supported by the preparation of a Wetland Management Plan, in consultation with the DBCA, for the protection of the wetlands, including buffer requirements.

Social Surroundings

The EPA notes that the amendment area is within the proximity to Ellen Brook, which is a registered site. The EPA acknowledges that the amendment report states the amendment is not expected to impact on heritage values, and that the process of rezoning land in a region scheme is not directly affected by the requirements of the *Aboriginal Heritage Act 1972*. It is further noted that the consideration of any protection will be addressed at the later stages of planning, and the amendment will be formally referred to the South West Aboriginal Land and Sea Council during the public advertising period.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives through existing planning controls at the region scheme level of planning. The EPA further recommends future City of Swan local planning scheme amendments should contain specific scheme reserves and or provisions, informed by updated surveys, to demonstrate how impacts to these values will be avoided and/or managed. Future significant proposals may also require referred to the EPA pursuant to Part IV of the EP Act.